

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 15<sup>th</sup>, 2005

LOCATION:           MACOMB TOWNSHIP MEETING CHAMBERS  
                      54111 BROUGHTON ROAD  
                      MACOMB, MICHIGAN 48042

PRESENT:           EDWARD GALLAGHER, CHAIRMAN  
                      DEAN AUSILIO, VICE-CHAIRMAN  
                      MICHAEL D. KOEHS, SECRETARY  
MEMBERS:   CHARLES OLIVER  
                      ARNOLD THOEL  
                      DEBORAH ZOLNOSKI

ABSENT:           JOA PENZIEN

ALSO PRESENT:   Jerome R. Schmeiser, Community Planning Consultant  
                      Larry Dloski, Township Attorney  
                      (Additional attendance on file with Clerk)

Call Meeting to Order.

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE.

1.       Roll Call.

Clerk KOEHS called the roll call. Member PENZIEN not present.

2.       Approval of Agenda Items. (*With any corrections*)

**MOTION by AUSILIO seconded by THOEL to approve the revised agenda as discussed.**

**MOTION carried.**

3.       Approval of the March 1<sup>st</sup>, 2005 previous Meeting Minutes

**MOTION by THOEL seconded by ZOLNOSKI to approve the revised meeting minutes of March 1<sup>st</sup>, 2005 as submitted.**

**MOTION carried.**

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**AGENDA ITEMS:**

4. **Tentative Preliminary Plat; Riviera Ridge Estates Subdivision (57 lots);**  
Located on the east side of Card road approximately 819' north of 22 Mile Road.  
Riviera Ridge Estates LLC, Petitioner. Permanent Parcel No. 08-23-300-022.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the location of proposal, adjacent property zones and the recommendation to approve the proposal pursuant to fulfilling the standard conditions as related to the request.

Petitioner Present: John Cavaliere

Public Portion: None

**MOTION by AUSILIO seconded by KOEHS to forward the recommendation to the Township Board of Trustees to approve the Tentative Preliminary Plat; Riviera Ridge Estates Subdivision (57 lots); Permanent Parcel No. 08-23-300-022. This motion is based on the Planning Consultants recommendations as follows:**

**It is recommended that the Tentative Preliminary Plat for the Riviera Ridge Estates Subdivision be approved with the standard conditions of the Township including:**

1. **The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:**
  - a. **Macomb County Road Commission**
  - b. **Office of Public Works Commission of Macomb County**
  - c. **Macomb County Health Department**
  - d. **Macomb County Planning Commission**
  - e. **Michigan Department of Environmental Quality**
  - f. **All public utility companies affected.**
  - g. **That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.**
2. **The Township Engineer approves all engineering plans for the computed plat.**
3. **That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**

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4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the Tentative Preliminary Plat approval shall be incorporated into the Final Preliminary Plat.
5. That all public street drain crossings within the boundaries of the Tentative Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145 (10) of the Macomb Township Code.
6. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinances.
7. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the "20 ft. common area for landscaping purposes" be developed in accordance with the provisions of the Land Division Ordinance of Macomb Township. A plan for the area must be prepared by a registered landscape architect and include a layout of plants proposed for the area, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan.
10. That a bond in an amount determined by the Township Consulting Engineer be posted assuring the development of the 'Landscape Easement.' The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat.
11. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.

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12. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits two (2) copies of the plat to the Supervisor's office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
13. That the petitioner submits two (2) copies of the restrictive covenants that will be recorded with the plat. Said covenants must include an article to provide the perpetual maintenance of all common areas that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.
14. If a 'phasing plan' has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.
15. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

**MOTION carried.**

5. Temporary Builder Sign; Golden Gate Subdivision; Located on the west side of Card Road, ¾ mile south of 23 Mile Road. Excel, Renaissance, Vitale & Manzella, Petitioner. Permanent Parcel No. 08-22-430-001

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Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and the recommendation to approve the proposal pursuant to fulfilling the standard conditions as related to the request.

Petitioner Present: Joe Vitale

Public Portion: None

**MOTION by OLIVER seconded by THOEL to approve the temporary builder sign for Golden Gate Subdivision for one year. Permanent Parcel No. 08-22-430-001. This motion is based on the Planning Consultants recommendations as follows:**

**It is recommended that the ground sign be approved as requested with the standard conditions:**

- 1. That Section 10.0319 of the Zoning Ordinance be met.**
- 2. That the ground sign be limited to 32 square feet.**
- 3. That a \$500.00 cash bond be posted assuring the construction of the sign as approved.**

**The Consultant suggests that a \$500.00 bond be posted assuring the construction of a sign as approved. Upon receipt by the petitioner for a final inspection and subsequent approval by the Building Department the bond can be released.**

**MOTION carried.**

- 6. Special Land Use; Diamond Pet Salon; (*Breckenridge Square*); Located on the southeast corner of 21 Mile Road and Hayes Road (*excluding the immediate corner*). Sheila Tate, Petitioner. Permanent Parcel No. 08-31-100-008.**

Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and the recommendation to approve the proposal pursuant to fulfilling the standard conditions as related to the request.

Petitioner Present: Sheila Tate

Public Portion: None

**MOTION by AUSILIO seconded by ZOLNOSKI to approve the Special Land Use; Diamond Pet Salon; Permanent Parcel No. 08-31-100-008. This motion is based on the Planning Consultants recommendations as follows:**

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**It is recommended that the Special Land Use permit be approved for a pet salon since the proposed use complies with the standards set forth in Section 10.2401(B)(5)(a), as follows:**

- 1. The proposed Special Land Use shall be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.**
- 2. The proposed use shall be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections; adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.**
- 3. The proposed use shall be designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating therefrom which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.**
- 4. The proposed use shall be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.**
- 5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.**
- 6. The proposed use is necessary for the public convenience at the proposed location.**
- 7. The proposed use is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.**
- 8. The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to**

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**future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.**

**The Consultant suggests that the Special Land Use permit be conditioned on the applicant agreeing to no outside dog runs, no intermittent dog walking or boarding of animals for any length of time. Also, that the hours of operation be limited to 8 a.m. to 5 p.m. The use of rear door of the building must be limited to the entering and existing of pedestrians and must be kept closed at all other times.**

**The Consultant suggests that the next step in the approval process is to forward the matter to the Building Department for the issuance of the necessary permits.**

**MOTION carried.**

7. **Land Division Variance; Northwood Farms Subdivision (110 lots); Section No. 17-138(b) - Minimum block Lengths & Section No. 17-138(c) – Maximum block length**; Located on the southwest corner of 24 Mile and Card Roads. Marquee Investments, Petitioner. Permanent Parcel No. 08-15-200-016.

Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and the recommendation to approve the proposal pursuant to fulfilling the standard conditions as related to the request.

Petitioner Present: Craig Duckwitz of Anderson Eckstein & Westrick

Public Portion: None

**MOTION by KOEHS seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the land division variance request for Northwood Farms Subdivision (110 lots) Section No. 17-138(b) - Minimum block Lengths & Section No. 17-138(c) – Maximum block length; Permanent Parcel No. 08-15-200-016. This motion is based on the Planning Consultants recommendations as follows:**

**The variances requested involve sections 17-138 b & c as follows:**

- a. **To allow the block containing Lots 87 thru 106 to exceed the 1320' maximum length.**
- b. **To allow a block to be shorter than the 500' allowed.**

**It is recommended that the variance request for the Northwood Farms Subdivision be approved since the issues dictating the design of the property are not of the petitioner's making and are necessary for the reasonable development of the property.**

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**MOTION carried.**

8. **Tentative Preliminary Plat; (New Application) Northwood Farms Subdivision (110 lots)**; Located on the southwest corner of 24 Mile and Card Roads. Marquee Investments, Petitioner. Permanent Parcel No. 08-15-200-016.

Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and the recommendation to approve the proposal pursuant to fulfilling the standard conditions as related to the request.

Petitioner Present: Craig Duckwitz of Anderson Eckstein & Westrick

Public Portion: None

Larry Dloski, Township Attorney, suggested that if the recommendation of the Planning Commission is for approval, that the approval be conditioned on written review by David Klein of the Michigan Department of Environmental Quality (MDEQ). Further that the written review specifically include comments regarding the on and off site monitoring wells, the feasibility for this site for residential development; and written approval to relocate the off site monitoring wells located near the stub streets prior to the Township Board of Trustees consideration.

**MOTION by KOEHS seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the Tentative Preliminary Plat; Northwood Farms Subdivision; Subject to the proprietor receiving written review by David Klein of the Michigan Department of Environmental Quality MDEQ. Further that the written review specifically include comments regarding the on and off site monitoring wells, the feasibility for this site for residential development; and written approval to relocate the off site monitoring wells located near the stub streets prior to the Township Board of Trustees consideration. This motion is based on the Planning Consultants recommendations as follows:**

1. **The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations;**
  - a. **Road Commission of Macomb County**
  - b. **Office of Public Works Commission of Macomb County**
  - c. **Macomb County Health Department**
  - d. **Macomb County Planning Commission**
  - e. **Michigan Department of Environmental Quality**
  - f. **All public utility companies affected.**



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- g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Road Commission of Macomb County and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.**
- 2. The Township Engineer approves all engineering plans for the computed plat.**
- 3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the Tentative Preliminary Plat approval have been incorporated into the Final Preliminary Plat.**
- 5. That all public street drain crossings within the boundaries of the Tentative Preliminary plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.**
- 6. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.**
- 7. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior the issuance of any building permits.**
- 8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
- 9. That the “20’ common area for landscaping purposes” be developed in accordance with the provisions of the Land Division Act of Macomb Township. A plan for the area must be prepared, including an irrigation system with sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan.**

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10. That a bond in the amount determined by the Township Consulting Engineer be posted assuring the development of the "Landscape Easement." The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat.
11. That the Tentative Preliminary Plat approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.
12. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the Final Plat. The petitioner must submit 2 copies of the plat to the Supervisor's office for addressing. Addresses will be assigned after the final preliminary plat approval by the Township Board.
13. That the petitioner submit two (2) copies of the restrictive covenants that will be recorded with the plat. The Restrictive Covenants must include an article to provide for the perpetual maintenance of all limited common areas that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.
14. If a 'phasing plan' has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.
15. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined in to a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit

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**an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.**

**This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.**

- 16. That the petitioner obtains a variance from the Township Board regarding the access to the east.**
- 17. Prior to the Township Board considering the Tentative Preliminary Plat, the petitioner must contact the MDEQ and provide written correspondence to the Township indicating their comments as they relate to the monitoring wells on and off the site, including the need (if any) to relocate them.**

**MOTION carried.**

- 9. Land Division Variance; Bellagio Subdivision (264 lots); Section No. 17-114 (b) & Section 17-140(b) – Landscape easement completion requirements; Located on the southwest corner of 26 Mile Road and Romeo Plank Road; Masters of Macomb Developers, Petitioner. Permanent Parcel No. 08-06-200-046.**

Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and the recommendation to approve the proposal pursuant to fulfilling the standard conditions as related to request.

Petitioner Present: Sam DiMercurio

Public Portion: None

**MOTION by AUSILIO seconded by THOEL to forward the recommendation to the Township Board of Trustees to approve the Land Division Variance; Bellagio Subdivision (264 lots); Section No. 17-114 (b) & Section 17-140(b) – to allow construction of homes within the subdivision without completion of the landscape plan as approved by the Township provided that the petitioner submit as built plans and that improvements are completed by June 1<sup>st</sup>, 2005. Permanent Parcel No. 08-06-200-046. This motion is based on the Planning Consultants recommendations as follows:**

**It is recommended that the variance request for the Bellagio Subdivision be approved.**

**MOTION carried.**

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10. **Land Division Variance; Wolverine Country Club Subdivision (451 lots); Section No. 17-114 (b) & Section 17-140(b) – Landscape easement completion requirements**; Located on the north side of 25 Mile Road between Romeo Plank & Luchtman Roads. Simone Mauro, Petitioner. Permanent Parcel No. 08-05-400-028

Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and the recommendation to approve the proposal pursuant to fulfilling the standard conditions as related to request.

Petitioner Present: Sam DiMercurio

Public Portion: Margaret Goodhue, Township resident, asked the Planning Commission the location of entrance areas for this subdivision. Community Planning Consultant informed the resident of the entrance areas located on Luchtman Road and 25 Mile Road.

**MOTION by OLIVER seconded by THOEL to forward the recommendation to the Township Board of Trustees to approve the Land Division Variance; Wolverine Country Club Subdivision (451 lots); Section No. 17-114 (b) & Section 17-140(b) – to allow construction of homes within the subdivision without completion of the landscape plan as approved by the Township provided that the petitioner submit as built plans and that improvements are completed by June 1<sup>st</sup>, 2005. Permanent Parcel No. 08-05-400-028. This motion is based on the Planning Consultants recommendations as follows:**

**It is recommended that variance request for the Wolverine Country Club Subdivision be approved.**

**MOTION carried.**

**PLANNING CONSULTANTS COMMENTS:** None

**PLANNING COMMISSION COMMENTS:**

Informational Correspondence; Gateway Village Retail Center; Sal-Mar Companies, Proprietor. Permanent Parcel No. 08-07-300-009

Member THOEL addressed the correspondence indicating that the 6' masonry screening wall was completed and asked the Planning Commission Members their opinion on the matter.

Planning Commission held further discussion. No action taken, informational.

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11. Motion to receive and file all correspondence in connection with this agenda.

**MOTION by AUSILIO seconded by KOEHS to receive and file all correspondence in connection with this agenda.**

**MOTION carried.**

**ADJOURNMENT:**

**MOTION by AUSILIO seconded by KOEHS to adjourn the meeting at 8:06 p.m.**

**MOTION carried.**

Respectfully submitted,

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Edward Gallagher, Chairman

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Michael D. Koehs, CMC  
Macomb Township Clerk  
MDK/gmb